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In re Application of:
Donald W. Landry
Serial No.: 09/940,727
Filed: August 28, 2001
Attorney Docket No.: 51400-B/JPW/AJM/MML

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to the petition under 37 CFR § 1.181, filed August 2, 2004, for withdrawal of abandonment of the above-identified application based on failure to timely pay the issue fee and publication fee, if applicable. The delay in responding to this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowability, and Notice of Allowance and Fee(s) Due to applicant on October 1, 2003, setting a three-month shortened statutory period for reply. On June 30, 2004, a Notice of Abandonment for failure to pay the required fee(s) was mailed.

Applicant states that in lieu of a response to the Notice of Allowance and Fee(s) Due, applicant filed an RCE, a check for \$385.00 and an IDS on December 19, 2003 within the three-month shortened statutory period for reply. Applicant provides as evidence a copy of the request for continued examination (which includes a certificate of mailing date of December 19, 2003), a copy of the fee transmittal sheet and the IDS with mail deposit certification of December 19, 2003. In view of this evidence, applicant is considered to have submitted a timely reply.

The petition is **GRANTED**.

This application will be forwarded to the Legal Instrument Examiner for processing of the Request for Continued Examination and then forwarded to the examiner for consideration of the response of December 19, 2003.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600